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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/574,783	05/19/2000	Frank Bothe	P/2107-135	1303

2352 7590 08/19/2003

OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 100368403

EXAMINER

WOOD, KIMBERLY T

ART UNIT PAPER NUMBER

3632

DATE MAILED: 08/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/574,783

Applicant(s)

BOTHE, FRANK

Examiner

Kimberly T. Wood

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-21 and 24-30 is/are rejected.
- 7) ☒ Claim(s) 22,23 and 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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This is the second office action for serial number 09/574,783 in response to Amendment C filed on April 16, 2003.

Allowable Subject Matter

The indicated allowability of claims 12 and 16-23 are withdrawn in view of the newly discovered reference(s) to Scofield and Sanderson. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12-15, 16-18, 21, 25-27 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Scofield 1,897,400.

Scofield discloses a connecting arrangement comprising a first (1) and second support (6) having fastening webs (2 and 7), articulation connection (9), angle adjustment device comprising a turnbuckle having an threaded adjustment sleeve (17; page 1, lines 55ff), nuts (18), and threaded bolts (15 and 16), first support element (4), second support element (21, 23, and 26).

The first and second supports are of the same design (design by definition is "to have as a purpose" or "a plan or protocol for carrying out or accomplishing something"). The first and second

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supports are for the purpose of support and connecting one thing to another.

Claims 12-14, 16-18, and 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Sanderson 5,282,410. Sanderson discloses a connecting arrangement comprising a first (103) and second support (114), articulation connection (at the end opposite 116, close to 104), angle adjustment device comprising a turnbuckle having an threaded adjustment sleeve (122), nuts (see figure 4), and threaded bolts, first (102) and second support elements (94).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19, 20, 28, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scofield 1,897,400 in view of Ovens (5,154,384). Scofield discloses all of the limitations of the

claimed invention except for the limitation of the first support

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Ovens teaches that it is known to have a turnbuckle (figure 1) having a threaded sleeve (14 and 16, and 12) lock nuts (27 and 25) on each of the bolts (24 and 26). It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Scofield to have included the lock nuts to each of the bolts as taught by Ovens for the purpose of facilitating adjustment of the angle of the supports.

Claims 19 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanderson 5,282,410 in view of Ovens (5,154,384). Sanderson discloses all of the limitations of the claimed invention except for the lock nuts on each of the bolts. Ovens teaches that it is known to have a turnbuckle (figure 1) having a threaded sleeve (14 and 16, and 12) lock nuts (27 and 25) on each of the bolts (24 and 26). It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Sanderson to have included the lock nuts to each of the bolts as taught by Ovens for the purpose of facilitating adjustment of the angle of the supports.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sanderson 5,282,410 as applied to claim 12 above, and further in view of Martin 5,758,852. Sanderson discloses all of the limitations of the claimed invention except

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support and second support (28 and 27), first and second enclosures being loudspeakers, an articulation connection and angle adjustment device (31 and 32), first and second support elements (1). It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Sanderson to have supported loud speakers as taught by Martin for the purpose of providing a better means of adjusting the angle between the speakers.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin 5,758,852, and further in view of Sanderson 5,282,410 as discussed above. Martin discloses a first support and second support (28 and 27), first and second enclosures being loudspeakers, an articulation connection and angle adjustment device (31 and 32), first and second support elements (1). Martin discloses all of the limitations of the claimed invention except for the articulation connection and angle adjustment device. It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Martin to have the articulation connection and angle adjustment device as taught by Sanderson for the purpose

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

Claims 22, 23 and 31 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

In regards to claims 22 and 31, the prior art does not disclose supports each having a cross-section that is generally U-shaped along the direction parallel to the axis of the rotation between the supports, the U-shaped supports have adjacent ends and have corresponding side webs of the U-cross-section and ends of the side webs overlap at the ends thereof; an articulation bolt extending through the overlapping side ends for connecting the supports for articulation, and the bolt extending along the pivot axis.

In regards to claim 23, the prior art does not disclose each support element for the enclosure also is U-

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shaped, including a bottom, top and joining web, the bottom and top webs holding the enclosure between them, the respective support for the support element being attached at the support element, each of the support elements including a connection for connecting the enclosure and for enabling rotation of the enclosure with respect to the webs of the respective support element around an axis extending through the webs of the support element enabling further adjustment of the orientation of the enclosures.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Wood whose telephone number is (703) 308-0539. The examiner can normally be reached on Monday-Thursday from 7:30 AM to 5:00 PM. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168. The fax number for an Official Amendment or Response is (703) 872-9326. The fax

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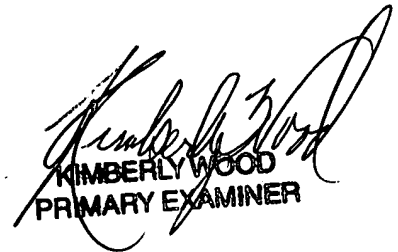
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number for an Official After Final Amendment or Response is

(703) 872-9327.

Kimberly Wood
Primary Examiner
August 11, 2003



KIMBERLY WOOD
PRIMARY EXAMINER